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MEMO ENDORSED

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BY FACSIMILE (212) 805-7949

Honorable P. Kevin Castel
Daniel Patrick Moynihan
United States Court
500 Pearl Street
New York, NY 10021

Re: GO SMiLE, Inc. v. Dr. Jonathan B. Levine, D.M.D., P.C., et al.,
10-CIV-8663 (PKC (DCF))

Dear Judge Castel:

I am lead counsel for plaintiff GO SMiLE, Inc. in the above-referenced matter. I am writing at the suggestion of chambers regarding the scheduling of the continuation of the preliminary injunction hearing. As the Court may recall, at the January 26, 2011 status conference, the Court set the continuation of the preliminary injunction hearing for February 16, 2011, with the possibility of proceeding on February 8, 2011 if there was a settlement of a prior-scheduled trial that was to begin on February 7th.

We received a call yesterday from Chambers that the Court's schedule is now clear for the continuation of the preliminary injunction hearing on February 8th. As a result of a genetic condition, I have a medical appointment and tests scheduled for February 8th, and because I was unable to bring my blackberry to Court, I did not have my personal calendar available to so advise the Court. This appointment had originally been scheduled for early January 2011, and I reset it in light of the January 20th hearing in this matter. When I realized there was a conflict with the possible hearing date, I sought to again reschedule, but my physician has strongly advised me not to delay further. Moreover, I was advised that, because there is a possibility that I will need to wear a 3-day cardiac monitor (depending on the outcome of Tuesday's tests), I will be unable to travel for the balance of next week.

I have explained this situation to counsel for Defendants, who have graciously advised that, in light of my medical situation, they do not object to my request that the hearing be continued to either February 15th or 16th. We jointly called Chambers yesterday afternoon to raise this issue and were advised that the Court's calendar could accommodate the continued preliminary injunction hearing either on February 15th or 16th. Both sides are available either day, although it is slightly more convenient for Defendants' counsel to proceed on February 15,

*Hearing will begin
February 16 at 10:30 am
SO ORDERED.
[Signature]
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2-4-11*

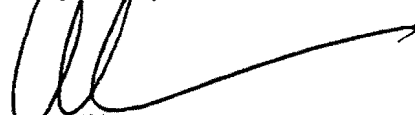
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2011. I therefore request that the Court continue the preliminary injunction hearing to either February 15 or 16, 2011.

I am sorry to inconvenience the Court, and I greatly appreciate the Court's consideration of my request.

Very truly yours,



Wendi E. Sloane

WES/sbs

cc: Kyle C. Bisceglie, Esq.
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